

Item # 67

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Appeal by Marie Koen of the Board of Adjustment's decision to approve a special exception for the temporary placement of a mobile home in the A-5 (Rural Zoning Classification District) for up to 10 years at 963 Tripp Road.

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Earnest McDonald **EXT** 7430

Agenda Date 08-12-03 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☒ **Public Hearing – 7:00** ☐

MOTION/RECOMMENDATION:

1. UPHOLD the Board of Adjustment's decision to approve a special exception to allow the temporary placement of a mobile home in the A-5 (Rural Zoning Classification District) for up to 10 years at 963 Tripp Road; (Marie Koen, appellant); or
2. REVERSE the Board of Adjustment's decision to approve a special exception to allow the temporary placement of a mobile home in the A-5 (Rural Zoning Classification District) for up to 10 years at 963 Tripp Road; (Marie Koen, appellant); or
3. CONTINUE the request to a time and date certain.

(Commission District #5, McLain)

(Earnest McDonald, Principal Coordinator)

BOARD OF ADJUSTMENT DECISION:

At its June 23, 2003 regular meeting, the Board of Adjustment voted to approve a special exception for the temporary placement of a mobile home in the A-5 (Rural Zoning Classification District) for up to 10 years at 963 Tripp Road.

STAFF RECOMMENDATION:

Staff recommends the Board of County Commissioners (BCC) uphold the decision of the Board of Adjustment (BOA) to approve a special exception to allow the temporary placement of a mobile home in the A-5 (Rural Zoning Classification District) for up to 10 years at 963 Tripp Road.

Reviewed by:
Co Atty: KZC
DFS: _____
Other: MIN
DCM: SS
CM: KB

File No. ph130pdp01

GENERAL INFORMATION:

Applicants: Jason & Christine Leslie
Appellant: Marie Koen
Zoning District: A-5 (Rural Zoning Classification District)
Applicable Regulations: A-5 District, LDC Section 30.103 (A-5 Limited Uses) & A30.123 (A-1 Limited Uses)

BACKGROUND:

- The applicants, Jason and Christine Leslie, propose to temporarily occupy a mobile home in the A-5 District for a period of 5 to 10 years.
- The proposed unit is a 1996 model with 24 FT by 42 FT dimensions.
- The applicants plan to eventually build a permanent single-family dwelling at this location.
- The temporary occupancy of a mobile home is permitted only by special exception in the A-5 District.
- At its June 23, 2003 regular meeting, the Board of Adjustment approved a special exception to allow the temporary placement of a mobile home in the A-5 (Rural Zoning Classification District) for up to 10 years at 963 Tripp Road.
- In accordance with Section 30.43(f), the appellant, Marie Koen, decided to appeal the Board of Adjustment's decision.

ZONING & FUTURE LAND USE:

Zoning, Future Land Use (FLU) and the use of the subject property and surrounding properties are as follows:

DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
SITE	A-5	RURAL-5	VACANT
NORTH	A-5	RURAL-5	MOBILE HOME
SOUTH	A-5	RURAL-5	VACANT
EAST	A-5	RURAL-5	SINGLE-FAMILY & VACANT
WEST	A-5	RURAL-5	MOBILE HOME

STANDARDS FOR GRANTING SPECIAL EXCEPTIONS IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) FOR A MOBILE HOME:

The BCC shall have the power to hear and decide appeals for those special exceptions the BOA is specifically authorized to pass under the terms of the Land Development Code. Prior to upholding or reversing any decision of the BOA, the BCC shall determine the use requested:

Section 30.43(b)(2)(A)	<p><i>Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area.</i></p> <p>The proposed use would be compatible with the trends of development on nearby and adjacent A-5 parcels. Available records indicate an established trend of single-family development in the area, which includes both site-built homes and mobile homes, as depicted on the attached map entitled, "Location of Existing Mobile Homes."</p>
Section 30.43(b)(2)(B)	<p><i>Does not have an unduly adverse effect on existing traffic patterns, movements and volumes.</i></p> <p>Since the proposed use is a single-family unit that would not be highly intensive in nature, staff does not believe it would adversely impact transportation facilities.</p>
Section 30.43(b)(2)(C)	<p><i>Is consistent with the Seminole County Vision 2020 Comprehensive Plan.</i></p> <p>As stated elsewhere in this report, the proposed use would be compatible with the concept of low-density rural land use established for this area.</p>
Section 30.43(b)(2)(D)	<p><i>Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification.</i></p> <p>The subject property is comprised of approximately 3.00 acres and is a deficient lot under the current A-5 District minimum lot standard. Policy FLU 11.15 (Code Enforcement & Implementation) of the Comprehensive Plan allows substandard lots & parcels of record zoned A-5 to be developed if they existed on the effective date of the 1991 Seminole County Comprehensive Plan, have a future land use (FLU) other than Suburban Estates and can meet all other applicable land development regulations.</p> <p>The subject property was created prior to the adoption of the Comprehensive Plan on September 11, 1991 and is thereby deemed to be compliant in lot size, due to the aforementioned exception. Based on the submitted site plan, the proposed mobile home would otherwise comply with all applicable dimensional standards of the A-5 District, including yard regulations and building height.</p>
Section 30.43(b)(2)(E)	<p><i>Will not adversely affect the public interest.</i></p> <p>The subject property is a vacant tract, surrounded by similar mobile home uses, site-built single-family structures and undeveloped land. Given the established trend of mobile homes on nearby and adjacent parcels, staff believes the proposed use would not adversely affect the public interest by dramatically altering neighborhood character.</p>

The BCC may permit any use allowed by special exception in the A-5 (Rural Zoning Classification District) upon making findings of fact, in addition to those required by Section 30.43(b) of the Land Development Code, that the use:

Section 30.104(a)(1)	<p><i>Is consistent with the general zoning plan of the rural zoning classification districts.</i></p> <p>The proposed mobile home is a conditional use in the A-5 District. To ensure consistency with the general zoning plan of the A-5 District and protect the character of the area, the mobile home siting standards enumerated in Section 30.1401 of the Land Development Code would apply.</p>
Section 30.104(a)(2)	<p><i>Is not highly intensive in nature.</i></p> <p>The proposed use is not highly intensive in nature, as the mobile home would be placed on a 3.00 acre lot for single-family use.</p>
Section 30.104(a)(3)	<p><i>Is compatible with the concept of low-density rural land use.</i></p> <p>The proposed use would be consistent with the concept of surrounding low-density, rural land use since the Comprehensive Plan describes Rural-5 as an appropriate FLU category for the siting of mobile homes and accessory uses by special exception.</p>
Section 30.104(a)(4)	<p><i>Has access to an adequate level of public services such as sewer, water, police, schools and related services.</i></p> <p>The subject property is located in the East Rural Area of Seminole County. Pursuant to the Comprehensive Plan, a minimum level of services and facilities would be required for the development of this property in Rural-5.</p>

STAFF FINDINGS:

1. The subject property is not located in a known flood prone area.
2. The subject property is a vacant tract, surrounded by other single-family development, including similar mobile home uses, site-built homes and undeveloped land.
3. For this reason, staff believes the temporary placement of the proposed mobile home, as requested, would be consistent with the low-density, rural character of nearby and adjacent properties if the following standards are applied as required by Section 30.1401 of the Land Development Code:
 1. The proposed mobile home shall have safe and convenient vehicular access.
 2. The proposed mobile home shall be required to conform to applicable codes, which include standards for installation, anchoring, utility accessibility, and skirting.

STAFF RECOMMENDATION:

The applicants have been advised of the standards for the grant of a special exception for the placement of a mobile home in the A-5 District and would be required to comply with the same. Based on the findings presented, staff recommends the BCC uphold the BOA's decision to approve a special exception for the temporary placement of a mobile home in the A-5 (Rural Zoning Classification District) for up to 10 years at 963 Tripp Road, conditioned upon the site plan submitted, recommended conditions, and conformity with applicable building codes and land development regulations.

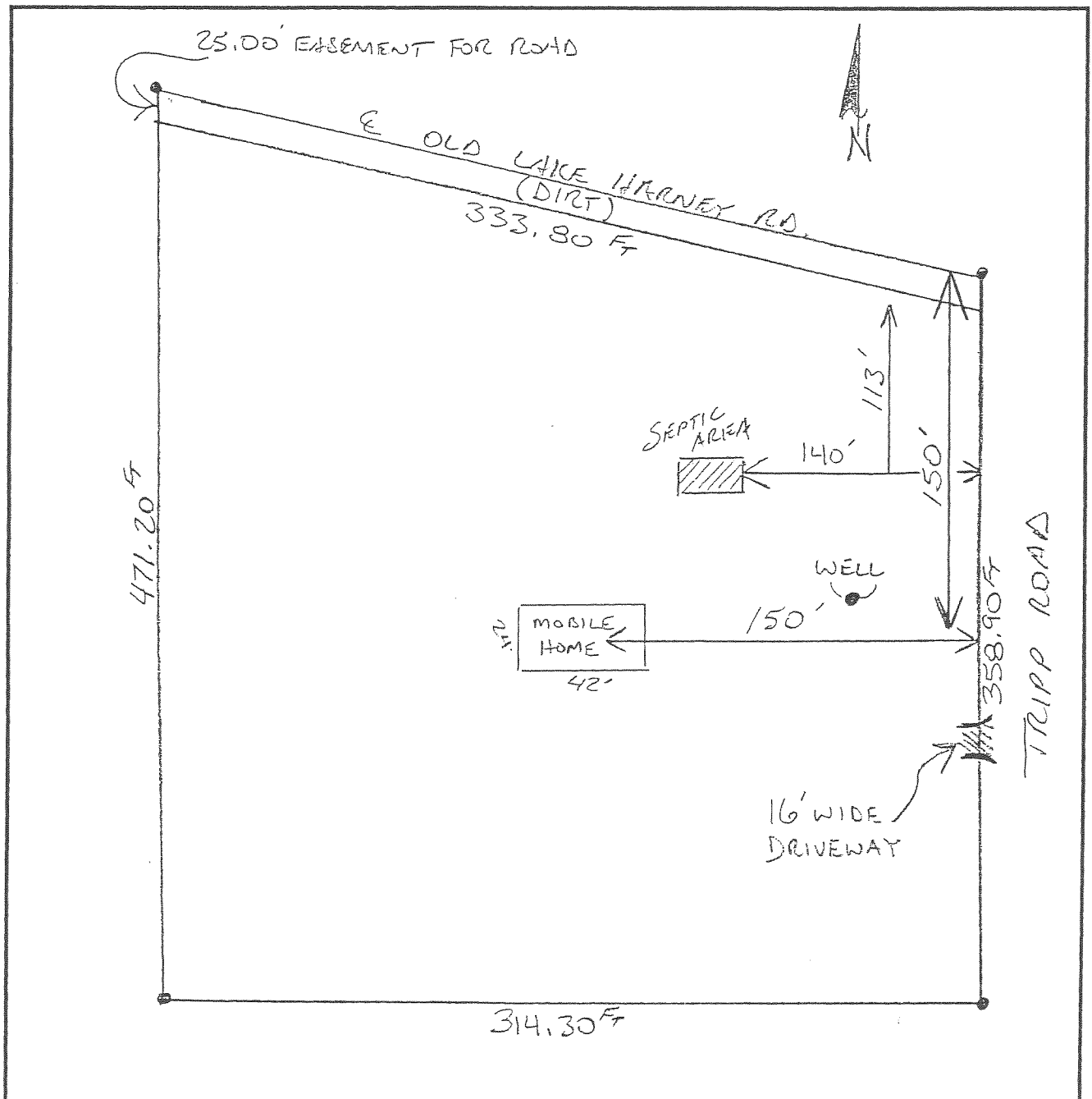
BOARD OF ADJUSTMENT DECISION:

At its June 23, 2003 regular meeting, the BOA voted to approve a special exception for the temporary placement of a mobile home in the A-5 (Rural Zoning Classification District) for up to 10 years at 963 Tripp Road.

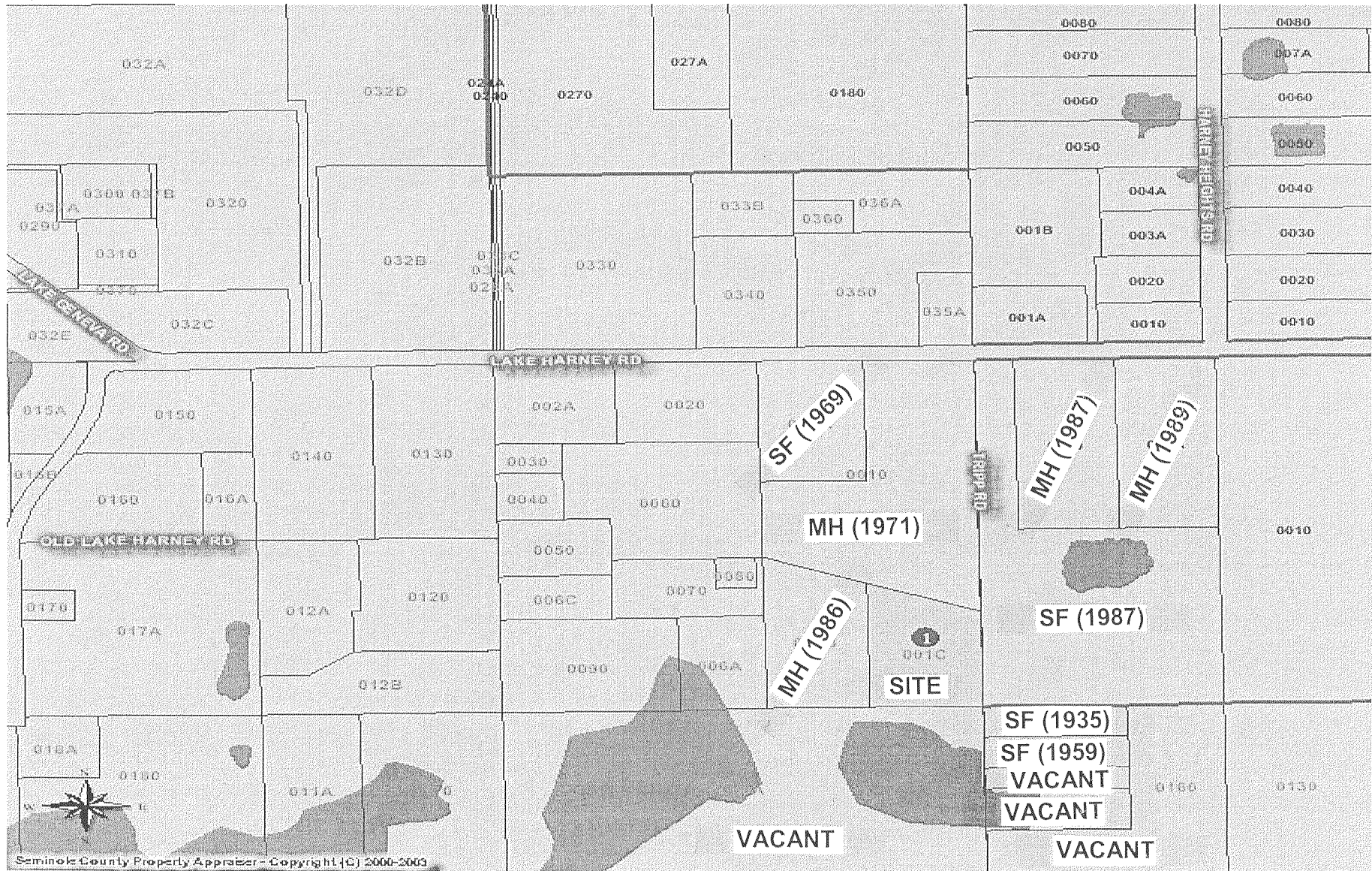
Attachments:

Proposed Site Plan
Trend of Development Map
Recorded Development Order
Decision on Appeal
Minutes of the June 23, 2003 Board of Adjustment Meeting
LDC Section 1401 (Mobile Home Siting Standards)

- Location and name of abutting street or road.
- Location, size and setbacks from property lines for all proposed or existing mobile homes, conventional homes, and accessory structures.
- Location and size of proposed or existing septic system, drain field and well, if applicable.
- The location, size and type of any trees to be removed.
- The type, location and width of all easements on the property.
- The location and width of the existing or proposed driveway access.



TRIPP ROAD (963) APPEAL LOCATION OF EXISTING MOBILE HOMES



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 23, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 22 TWP 20S RGE 32E BEG SE COR OF NE ¼ OF NE ¼ RUN W
314.3 FT N 471.2 FT S 71 DEG 21 MIN E 333.5 FT S 358.9 FT TO BEG

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: JOHN MCNAMARA
1260 GLEENWOOD ROAD
DELAND, FL 32720

Project Name: 963 TRIPP ROAD

Requested Development Approval:

SPECIAL EXCEPTION TO ALLOW THE TEMPORARY PLACEMENT OF A RECREATIONAL VEHICLE IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT) FOR 10 YEARS, AS DEPICTED ON THE ATTACHED SITE PLAN.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Earnest McDonald
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 04884 PG 0801
FILE NUM 2003109914
RECORDED 06/27/2003 09:37:27 AM
RECORDING FEES 19.50
RECORDED BY J Eckenroth

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BY Cia L
DEPUTY CLERK

RETURN TO SANDY MCCANN

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 1. Only one (1) single-family mobile home shall occupy the site for a period not to exceed 10 years;
 2. The proposed mobile home shall bear the Florida Standards Seal;
 3. The proposed mobile home shall conform to the minimum dimensional standards of the A-5 (Rural Zoning Classification District);
 4. An on-site septic permit shall be applied for and obtained, prior to the siting of the proposed mobile home on the subject property; and
 5. The proposed mobile home shall conform to all applicable building codes, the Seminole County Comprehensive Plan, and Land Development Code.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____



Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this 25 day of June, 2003.

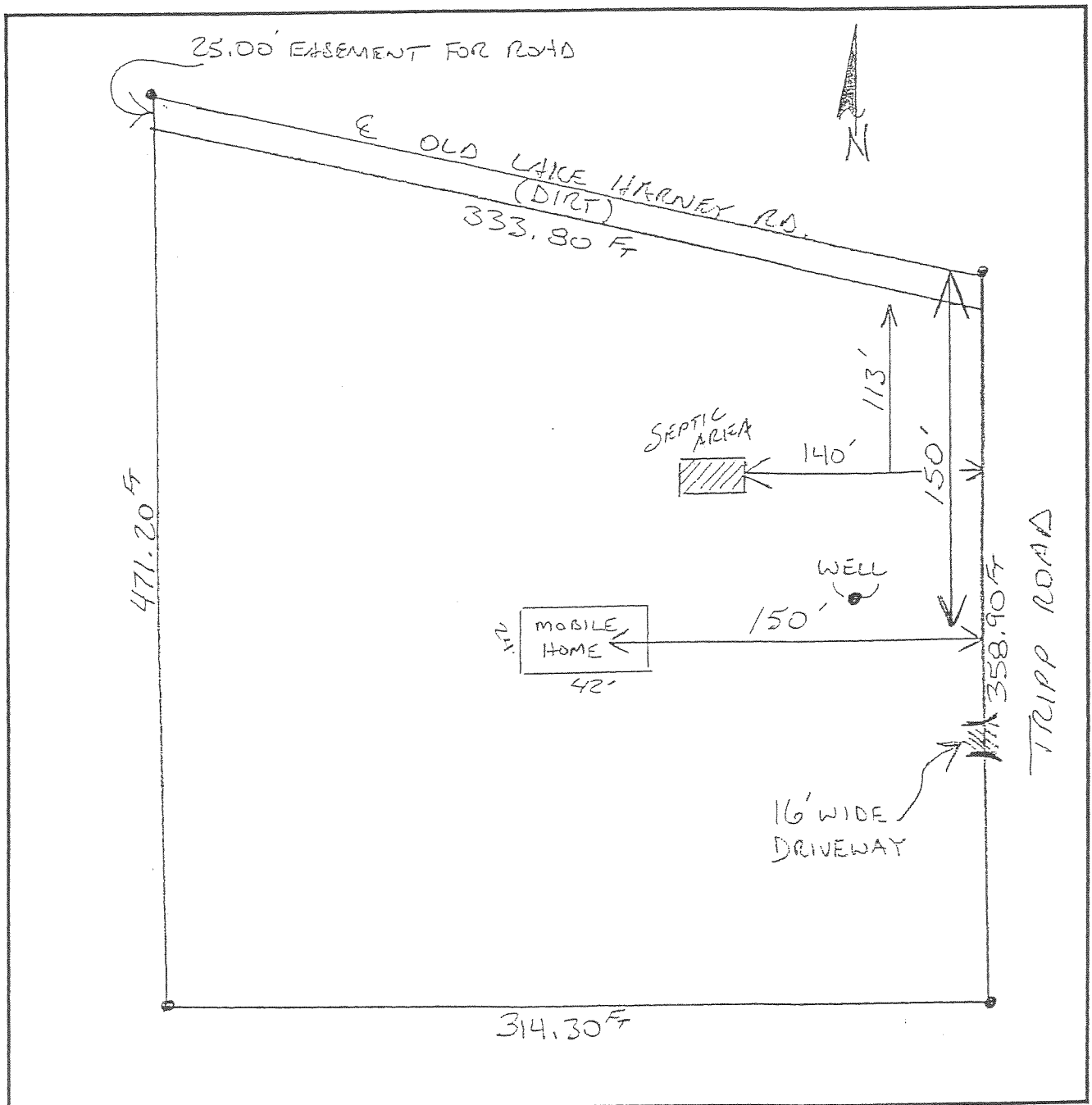


Karen Mathews
My Commission DD144950
Expires August 26, 2006

Karen Mathews
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

- ☐ Location and name of abutting street or road.
- ☐ Location, size and setbacks from property lines for all proposed or existing mobile homes, conventional homes, and accessory structures.
- ☐ Location and size of proposed or existing septic system, drain field and well, if applicable.
- ☐ The location, size and type of any trees to be removed.
- ☐ The type, location and width of all easements on the property.
- ☐ The location and width of the existing or proposed driveway access.



SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS
DECISION ON APPEAL

This decision is made by the Board of County Commissioners of Seminole County, Florida, this 12th day of August 2003, in accordance with Section 30.43 of the Land Development Code of Seminole County (LDC), as amended, upholding a decision of the Board of Adjustment to approve a special exception for the temporary placement of a mobile home in the A-5 (Rural Zoning Classification District) for up to 10 years at 963 Tripp Road.

A. FINDINGS OF FACT

1. On June 23, 2003, the Board of Adjustment approved a special exception to allow the temporary placement of a mobile home, as requested by Jason and Christie Leslie, on the property further described by the following legal description:

LEG SEC 22 TWP 20S RGE 32 E BEG SE COR OF NE ¼ OF NE ¼ RUN W
314.3 FT N 471.2 FT S 71 DEG 21 MIN E 333.5 FT S 358.9 FT TO BEG

2. The Board of County Commissioners has the authority and responsibility to adjudge this appeal by virtue of Section 30.43(f), LDC.

3. On August 12, 2003, the Board of County Commissioners heard an appeal of this decision.

B. CONCLUSIONS OF LAW

The Board of County Commissioners finds that the subject special exception is in conformance with Section 30.104 of the Land Development Code of Seminole County and Ordinance 2002-53, due to the following:

1. The Board hereby agrees with and adopts the staff recommendations as reflected in the Agenda Memorandum, Item # _____.
2. The subject special exception meets all of the criteria in Section 30.104(a), LDC, for granting special exceptions because:

- a. The subject special exception would allow development that would be consistent with the character and trends of single-family residential and agricultural development in the area.
- b. The proposed use is consistent with the Vision 2020 Comprehensive Plan Future Land Use Element, which allows mobile homes, in the Rural-5 Future Land Use Classification.

C. DECISION

Based upon the foregoing and having fully considered the application submitted, and the testimony presented at the Board of County Commissioners public hearing on August 12, 2003, it is determined by majority vote of members of the Board of County Commissioners of Seminole County, Florida, that the subject decision of the Board of Adjustment is **UPHELD** and the special exception requested is granted.

DATED this 12th day of August 2003.

Board of County Commissioners
Seminole County, Florida

Daryl G. McLain, Chairman

**SEMINOLE COUNTY
NOTICE OF PUBLIC HEARING
TO BE HELD ON
JUNE 23, 2003 AT 6:00 P.M.**

Notice is hereby given that the Seminole County Board of Adjustment (BOA) will conduct a public hearing as noticed above, or as soon thereafter as possible, in the County Services Building, 1101 East First Street, Sanford, Florida, Room 1028 (Board Chambers). The purpose of this hearing is to take action on the following items:

CONSENT ITEMS:

Earnest McDonald asked that 2775 Osceola Road and 2880 Stone Street be moved to the Regular Agenda.

Alan Rozon made the motion to approve item 5 (963 Tripp Road) and item 7 (Palm Way (Lot 4) as requested.

Wes Pennington seconded the motion.

Vote was unanimous to approve.

5. 963 TRIPP ROAD - Jason & Christine Leslie; Special exception to place a mobile home in the A-5 (Rural Zoning Classification District) for up to 10 years; located approximately 0.2 mile south of the Lake Harney Road and Tripp Road intersection (BM2003-005).

District 5 - McLain

Earnest McDonald, Principal Coordinator

7. PALM WAY (LOT 4) - David E. Hall; R-1 (Single-Family Dwelling District); Minimum width at building line variance from 70 feet to 65 feet; located on the west side of Palm Way, approximately 0.1 mile west of the Rose Drive and Sanford Avenue intersection (BV2003-067).

District 5 - McLain

Earnest McDonald, Principal Coordinator

Sec. 30.1401. Mobile home/manufactured housing siting standards.

(a) These siting standards shall apply when the placement of mobile homes is otherwise permitted by this Code. The provisions of this Code shall not be construed to be in conflict with State law and, to the extent of any conflict, state law shall prevail.

(b) Access:

(1) All mobile and manufactured homes must have safe and convenient vehicular access from a local or collector street as identified in the Traffic Circulation Element of the Seminole County Comprehensive Plan. Such access shall be designed to minimize traffic congestion and hazards.

(2) Driveways shall be designed and constructed to provide safe and convenient vehicular access to each mobile home subject to the following:

a. All units shall have access to the street

b. Each unit shall be provided with a single width driveway at least ten (10) feet wide. The driveway shall be a minimum of twenty (20) feet in length if a full depth carport is utilized. If a full carport is not utilized the driveway shall have a minimum length of thirty (30) feet.

(c) *Landscaping and buffers for mobile homes/manufactured housing in RM-1, RM-2 or RM-3 Districts:*

(1) All common open space, parking lot islands and all land not otherwise developed shall be landscaped in a manner that enhances the appearance of the development, as determined by the current planning manager based upon standards generally set forth in this Code relating to developments with similar impacts.

(2) The perimeter landscape buffer shall be a minimum of ten (10) feet wide. In addition, a high wooden or masonry visual screen six (6) feet in height and at least seventy-five (75) percent opaque shall be provided when a mobile or manufactured home abuts properties that are not assigned the RM-1, RM-2 or RM-3 zoning classification. The Current Planning Manager may waive any masonry wall required by this subsection where extensive perimeter buffer areas are found to exist or a binding commitment exists to install same.

(d) *Construction standards:*

(1) Mobile or manufactured home stand foundation requirements/tie-downs and anchors/perimeter enclosure requirements:

a. The mobile or manufactured home stand shall be installed and anchored in accordance with the current adopted Building Code and State law. Any additions to the mobile or manufactured home must also be anchored in accordance with applicable federal and state law.

b. All mobile or manufactured homes in special flood hazard areas shall comply with all other applicable provisions of this Code including, but not limited to, provisions relating to wetlands and flood prone areas.

c. When mobile or manufactured homes are installed above grade, opaque skirting or screening shall be used surrounding such mobile or manufactured homes.

d. Crawl space access openings shall be provided. Such openings shall be located so that any utility connections located under the home are accessible.

e. Crawl space areas shall be ventilated by openings in the perimeter enclosure. Openings shall be arranged to provide cross ventilation and shall be covered with corrosion resistant mesh-like material of not less than one-quarter (1/4) inch or more than one-half (1/2) inch in any dimension. If combustion air for one (1) or more heat producing appliance(s) is taken from within the under-floor spaces, ventilation shall be adequate to secure proper appliance operation.

f. A minimum clearance of eighteen (18) inches shall be maintained beneath the lowest member of the floor support framing system, unless otherwise specified in the manufacturer's installation instructions.

(Part XXXIII, § 1, Ord. No. 92-5, 3-30-92; Part XII, Ord. No. 93-1, 2-23-

Secs. 30.1402--30.1410.